

**REMARKS**

Claims 2-17 and 19-49 are pending. Claims 19-21 and 47-49 have been amended to overcome the 35 USC 101 rejection, but not to overcome the prior art. No new matter has been presented.

Claims 2-17 and 19-49 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully overcome in view of the foregoing amendments.

Claims 2-11, 13-17, 19-22, 28-39 and 41-49 are rejected under 35 USC 103(a) as being unpatentable over Sheppard, U.S. patent No. 6,026,397, in view of Mitra, U.S. Patent No. 6,421,467. This rejection is respectfully traversed.

The Examiner asserts that Sheppard discloses all of the features of claim 19 except for “said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter.” The Examiner asserts that Mitra teaches this feature and that it would have been obvious to modify Sheppard in view of Mitra to provide the claimed feature of “said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter.” Applicant respectfully disagrees.

The Examiner asserts that Sheppard discloses the claim feature of “said units of information are grouped into classes or clusters based on a similarity function” at col. 20, lines 32-50. Applicant respectfully disagrees. This portion of Sheppard discusses a neural prediction function which provides the ability to predict future customer behavior based on actual customer behavior. Sheppard discloses that the neural prediction function learns from historical behavior stored in the data base. This does not mean that the information is stored in the database in any particular manner, such as by being grouped into classes or clusters based on a similarity function. Rather, Sheppard is disclosing a method of learning from past behavior to predict future behavior. These are clearly different functions.

The Examiner also asserts that Mitra teaches said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter. Applicant also disagrees with this assertion as follows.

Mitra relates to data compression, transmission and high fidelity reconstruction of the data, especially image data (col. 1, lines 13-15). More specifically, Mitra relates to complex images such as medical images and satellite images. Mitra does discuss a clustering technique, but this technique is the AFLC (adaptive fuzzy leader clustering), which is designed to vector quantize wavelet decomposed sub images with optimal bit allocation. Although Mitra may disclose selecting a suitable vigilance parameter for a range of clusters that could be formed to generate multi-resolution codebooks for wavelet decomposed sub images, Mitra does not actually disclose that the coarseness of the clusters is controlled by a baseline vigilance parameter. Thus, Mitra fails to teach that which the Examiner asserts.

Further, Applicant submits that one of ordinary skill in the art would not have been motivated to look to Mitra to modify Sheppard in the manner suggested by the Examiner. Mitra's entire disclosure relates to complex images. Sheppard organizes data records. These are very different fields of endeavor, and merely because both references discuss clustering, is insufficient motivation to look to Mitra to modify Sheppard.

Even further, the Examiner asserts that the motivation to modify Sheppard is to enable the system to provide a suitable vigilance parameter needed to be selected for a range of clusters that could be formed to generate multi resolution codebooks for wavelet decomposed sub images. However, Sheppard does not even mention images, and thus would never need to generate multi resolution codebooks for wavelet decomposed sub images. This may be why Mitra sets a vigilance parameter, but one seeking to organize data records would not be concerned with images or creating wavelet decomposed sub images. Thus, there would have been no motivation to combine these references.

In light of the foregoing, Applicant submits that the references, either alone or in combination teach or suggest the features of claim 19.


Claims 20, 21 and 47-49 are allowable for the reasons set forth above. The remaining claims are allowable at least due to their respective dependencies. Applicant requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 455392001200.

Dated: June 30, 2006

Respectfully submitted,

By 

Deborah S. Gladstein

Registration No.: 43,636

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7753